

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROBERT F. BAKER,

)

4:08CV3174

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Plaintiff,

)

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v.

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**MEMORANDUM  
AND ORDER**

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BRUCE HOLCOMB, M.D., et al.,

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Defendants.

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This matter is before the court on the Plaintiff's Motion to Extend Time to Amend Complaint, Motion for Extension of Payment of the Filing Fee, and Motion for Copies. (Filing No. [10](#).) The Plaintiff's request to extend the time to pay the initial partial filing fee is granted. As set forth in [28 U.S.C. § 1915\(b\)\(4\)](#), "[i]n no event shall a prisoner be prohibited from bringing a civil action . . . for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee." When the prisoner is unable to pay the initial partial filing fee due to a lack of funds, the requirement that the initial partial filing fee will be paid at the outset of the case is suspended. See [Jackson v. N.P. Dodge Realty Co.](#), 173 F. Supp. 2d 951, 957 n. 9 (D. Neb. 2001). Instead, "the whole of the . . . filing fees are to be collected and paid by the installment method contained in § 1915(b)(2)." [Henderson v. Norris](#), 129 F.3d 481, 484 (8th Cir. 1997). This matter will therefore proceed without payment of the initial partial filing fee.

The Plaintiff was previously granted leave to amend his Complaint in order to state a claim upon which relief may be granted. (Filing No. [9](#).) The Plaintiff seeks additional time in which to do so. For good cause shown, the Plaintiff shall have until March 19, 2009, in which to file an amended complaint in accordance with the court's previous Memorandum and Order. However, the Plaintiff also requests that the court provide him with copies of certain documents prior to his

filing an amended complaint. The statutory right to proceed in forma pauperis does not include the right to receive copies of documents without payment. [28 U.S.C. § 1915](#); *see also Haymes v. Smith*, 73 F.R.D. 572, 574 (W.D.N.Y. 1976) (“The generally recognized rule is that a court may not authorize the commitment of federal funds to underwrite the necessary expenditures of an indigent civil litigant’s action.”) (citing [Tyler v. Lark](#), 472 F.2d 1077 (8th Cir. 1973), other citations omitted). If the Plaintiff requires copies of court documents, he should contact the Clerk of the court to determine the proper method of requesting and paying for copies.

IT IS THEREFORE ORDERED that:

1. The Plaintiff’s Motion to Extend Time to Amend Complaint and Motion for Extension of Payment of the Filing Fee (filing no. [10](#)) is granted. The Plaintiff’s Motion for Copies (filing no. [10](#)) is denied.
2. The Plaintiff shall have until March 19, 2009, to file an amended complaint in accordance with the court’s previous Memorandum and Order.
3. The Clerk of the court is directed to set a pro se case management deadline with the following text: March 19, 2009: deadline to file amended complaint.
4. The Plaintiff shall keep the court informed of his current address at

all times while this case is pending. **Failure to do so may result in dismissal without further notice.**

Dated February 23, 2009.

BY THE COURT

s/ Warren K. Urbom  
United States Senior District Judge